

103^D CONGRESS
2^D SESSION

H. R. 3845

To limit access by minors to cigarettes through prohibiting the sale of tobacco products in vending machines and the distribution of free samples of tobacco products in Federal buildings and property accessible by minors.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 10, 1994

Mr. VISCLOSKY (for himself, Mr. DURBIN, Mr. EVANS, Mr. FOGLIETTA, Mr. HANSEN, Mr. JACOBS, Mr. LAFALCE, Mr. MEEHAN, and Mr. SLATTERY) introduced the following bill; which was referred to the Committee on Public Works and Transportation

A BILL

To limit access by minors to cigarettes through prohibiting the sale of tobacco products in vending machines and the distribution of free samples of tobacco products in Federal buildings and property accessible by minors.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Prohibition of Ciga-
5 rette Sales to Minors in Federal Buildings and Lands
6 Act”.

1 **SEC. 2. FINDINGS.**

2 The Congress finds that—

3 (1) cigarette smoking and the use of smokeless
4 tobacco products continue to represent major health
5 hazards to the Nation, causing approximately
6 434,000 deaths each year;

7 (2) cigarette smoking continues to be the single
8 most preventable cause of death and disability in the
9 United States;

10 (3) tobacco products contain hazardous addi-
11 tives, gases, and other chemical constituents dan-
12 gerous to health;

13 (4) the use of tobacco products costs the United
14 States more than \$60,000,000,000 in lost productiv-
15 ity and health care costs;

16 (5) tobacco products contain nicotine, a poison-
17 ous, addictive drug;

18 (6) despite the known adverse health effects as-
19 sociated with tobacco, it remains one of the least
20 regulated consumer products and is readily available
21 to children and adolescents throughout the United
22 States;

23 (7) 90 percent of adult smokers start smoking
24 in adolescence or childhood and continue to smoke
25 throughout their adult lives;

1 (8) each day, more than 3,000 children and
2 adolescents start smoking and collectively consume
3 nearly one billion packs of cigarettes per year;

4 (9) reliable studies indicate that tobacco is a
5 gateway to other, increasingly more harmful drugs,
6 and that tobacco use continues after use of other
7 drugs begins; and

8 (10) the Congress of the United States has a
9 major policy setting role in ensuring that the use of
10 tobacco products among minors is discouraged to the
11 maximum extent possible.

12 **SEC. 3. DEFINITIONS.**

13 As used in this Act—

14 (1) the term “Federal agency” means—

15 (A) an Executive agency as defined in sec-
16 tion 105 of title 5, United States Code; and

17 (B) each entity specified in paragraphs (B)
18 through (H) of section 5721(1) of title 5, Unit-
19 ed States Code;

20 (2) the term “Federal building” means—

21 (A) any building or other structure owned
22 in whole or in part by the United States or any
23 Federal agency, including any such structure
24 occupied by a Federal agency under a lease
25 agreement; and

1 (B) includes the real property on which
2 such building is located;

3 (3) the term “minor” means an individual
4 under the age of 18 years; and

5 (4) the term “tobacco product” means ciga-
6 rettes, cigars, little cigars, pipe tobacco, smokeless
7 tobacco, snuff, and chewing tobacco.

8 **SEC. 4. TOBACCO PRODUCTS VENDING MACHINE AND FREE**
9 **SAMPLE BAN IN FEDERAL BUILDINGS.**

10 (a) IN GENERAL.—No later than 45 days after the
11 date of the enactment of this Act, the Administrator of
12 General Services and the head of each Federal agency
13 shall promulgate regulations that prohibit—

14 (1) the sale of tobacco products in vending ma-
15 chines located in or around any Federal building
16 under the jurisdiction of the Administrator or such
17 agency head; and

18 (2) the distribution of free samples of tobacco
19 products in or around any Federal building under
20 the jurisdiction of the Administrator or such agency
21 head.

22 (b) EXCEPTION.—The Administrator of General
23 Services or the head of an agency, as appropriate, may
24 designate areas not subject to the provisions of subsection
25 (a), if such area also prohibits the presence of minors.

1 (c) JURISDICTION OF FEDERAL BUILDINGS AND AD-
2 MINISTRATION.—The provisions of this section shall be
3 carried out—

4 (1) by the Administrator of General Services
5 for any Federal building which is maintained, leased,
6 or has title of ownership vested in the General Serv-
7 ices Administration; or

8 (2) by the head of a Federal agency for any
9 Federal building which is maintained, leased, or has
10 title of ownership vested in such agency.

11 **SEC. 5. COMPLIANCE REPORT.**

12 No later than 90 days after the date of enactment
13 of this Act, the Administrator of General Services and
14 each head of an agency shall prepare and submit, to the
15 appropriate committees of Congress, a report that shall
16 contain—

17 (1) verification that the Administrator or such
18 head of an agency is in compliance with this Act;
19 and

20 (2) a detailed list of the location of all tobacco
21 product vending machines located in Federal build-
22 ings under the administration of the Administrator
23 or such head of an agency.

1 **SEC. 6. APPLICATION TO THE UNITED STATES CAPITOL**
2 **AND GROUNDS.**

3 (a) IN GENERAL.—No later than 45 days after the
4 date of the enactment of this Act, the Senate Committee
5 on Rules and Administration and the House of Represent-
6 atives Committee on House Administration, after con-
7 sultation with the Architect of the Capitol, shall promul-
8 gate regulations that—

9 (1) prohibit the sale of tobacco products in
10 vending machines in the Capitol Buildings; and

11 (2) prohibit the distribution of free samples of
12 tobacco products in the Capitol Buildings.

13 (b) EXCEPTION.—Such committees may designate
14 areas where such prohibition shall not apply, if such area
15 also prohibits the presence of minors.

16 (c) DEFINITION.—For the purpose of this section the
17 term “Capitol Buildings” shall have the same meaning as
18 such term is defined under section 16(a)(1) of the Act en-
19 titled “An Act to define the area of the United States Cap-
20 itol Grounds, to regulate the use thereof, and for other
21 purposes”, approved July 31, 1946 (40 U.S.C. 193m(1)).

22 **SEC. 7. RULE OF CONSTRUCTION.**

23 Nothing in this Act shall be construed as restricting
24 the authority of the Administrator of General Services or
25 the head of an agency to limit tobacco product use in or

1 around any Federal building, except as provided under
2 section 4(a).

○